

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY DOUGLAS,)	
)	4:05cv3207
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
GOULD ELECTRONIC,)	
)	
Defendant.)	

This matter is before the court sua sponte. It appears to the court that this case may have been abandoned. The plaintiff, Larry Douglas, filed this case when he was a prisoner. However, the court has recently learned from the website of the Nebraska Department of Correctional Services that the plaintiff has been released from custody. As the court previously informed the plaintiff (filing no. 8), the plaintiff has an obligation to keep the court advised of a current address where he can be reached at all times while this case is pending, and failure to do so could result in dismissal of the case.

In addition, a former prisoner who is released from custody after filing a civil complaint may file a motion for leave to proceed in forma pauperis ("IFP") based on the changed circumstances caused by release from prison. If IFP status is then granted, the plaintiff will be relieved of any liability for the balance of the filing fee. See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners."). Therefore, if the plaintiff wishes to continue to litigate this case, he shall now file a new application for leave to proceed IFP, or, if he can afford the fee, he shall resume payments.

THEREFORE IT IS ORDERED:

1. That the Clerk of Court shall send a copy of this Order together with an IFP application to the plaintiff at his last known address in the court's records, with a "please forward" request on the envelope;
2. That if the plaintiff wishes to pursue this litigation, he shall have until June 15,

2006, to file with the Clerk of Court: (a) a current address, (b) a completed IFP form, if appropriate, and (c) a statement that the plaintiff wishes to pursue this litigation; and

3. That in the absence of the foregoing materials, this case may be subject, without further notice, to dismissal without prejudice.

May 18, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge